

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IMPLICIT NETWORKS, INC.,

No. C 10-04234 SI

Plaintiff,

v.

JUNIPER NETWORKS, INC.,

Defendant.

**ORDER GRANTING IN PART
JUNIPER'S MOTION TO COMPEL
FURTHER AMENDED PATENT
INFRINGEMENT CONTENTIONS AND
CLAIM CHARTS**

Currently before the Court is defendant Juniper Networks' motion to compel Implicit to provide further amended Patent Infringement Contentions and Claim Charts (PICs). Docket No. 77. On May 9, 2012, this Court ordered Implicit to provide source code citations in its PICs on or before May 4, 2012. On May 4, 2012, Implicit provided amended PICs to Juniper, but Juniper argues the amended PICs are still deficient because instead of providing source code citations on a limitation-by-limitation basis, Implicit has instead provided a narrative "overview" explaining how it believes Juniper's flow-based processing infringes its patents, with code citations. Implicit argues that the amended PICs and use of the narrative overview provide a concise, clear, and adequate disclosure of its contentions.


The Court has reviewed the examples of Implicit's original and amended disclosures submitted and finds that the narrative overview in Implicit's amended PICs – as supported by code citations – provides a good overview of its infringement contentions. However, that overview does not necessarily track the patent claims at issue on a limitation-by-limitation. Therefore, even though the Court is not certain that forcing Implicit to provide code citations limitation-by-limitation basis will benefit Juniper in its defense of this case, the Court will order Implicit to provide the code citations on a limitation-by-limitation basis. Implicit's further amendments shall be limited to the citations and descriptions

1 included in Implicit's "overview," but provided on a limitation-by-limitation basis. These amendments
2 shall be provided within 15 days of the date of this Order.

3 Juniper's request for fees and costs associated with this motion is DENIED.

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5 **IT IS SO ORDERED.**

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7 Dated: 5/23/12

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10 SUSAN ILLSTON
11 United States District Judge
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